



IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No.1126 of 2024

Binod Kumar Bag

....

Petitioner

Mr. Prabodh Chandra Nayak, Advocate (Amicus Curiae)

-versus-

***Umesh Singh, General Manager, East
Coast Railway, Bhubaneswar and
others***

....

Opposite Parties

Mr. P. K. Parhi, Deputy Solicitor General of India
along with Mr. S. S. Kashyap, Central Government Counsel

CORAM:

THE CHIEF JUSTICE

MR. JUSTICE MURAHARI SRI RAMAN

ORDER

10.04.2024

Order No.

05. This matter is taken up through hybrid mode.

2. The present contempt application has been filed by the petitioner, son of Bikram Bag, who was working as Technician Grade-I (Electrical) in East Coast Railway, Sambalpur Division. The petitioner's father was proceeded against departmentally for unauthorized absence and finally removed from service by an order dated 27.03.2017. The wife of Bikram Bag filed an application before the Central Administrative Tribunal, Cuttack Bench, Cuttack ('Tribunal', in short) giving rise to O.A. No.108 of 2017, which was



disposed of by an order dated 21.09.2017. Since the order dated 21.09.2017 was passed in the absence of the Department, a review application was filed before the Tribunal by the Department for recall of the said order dated 21.09.2017. Later, the said order was recalled by an order dated 08.03.2018 passed by the Tribunal in R.A. No.4 of 2017. With the recall of the said order dated 21.09.2017, O.A. No.108 of 2017 stood restored to its original file. It is noteworthy that the contempt application (CP No.260/52/2019) was filed alleging disobedience of the order dated 21.09.2017 passed by the Tribunal in O.A. No.108 of 2017, which was dismissed by an order dated 14.05.2019 in the wake of the fact that the said order dated 21.09.2017 was not in force.

3. A contempt application was filed before this Court giving rise to CONTC No.2384 of 2021, which was disposed of by a learned Single Judge of this Court with a liberty to file appropriate application challenging the order of the Tribunal.

4. The present petitioner has filed a writ petition registered as W.P.(C) No.28960 of 2022 challenging the order of punishment dated 27.03.2017 before this Court, which is pending. The petitioner has filed this contempt application alleging disobedience of the orders dated 21.09.2017 passed in O.A. No.108 of 2017 and another order dated 08.11.2023 passed by the Tribunal in C.P. No.11 of 2023.



5. The petitioner appeared in person and on the Court's request, Mr. Prabodh Chandra Nayak, learned counsel has assisted this Court on behalf of the petitioner.

6. We have heard Mr. Prabodh Chandra Nayak, learned *Amicus Curiae* for the petitioner and Mr. P. K. Parhi, learned Deputy Solicitor General of India assisted by Mr. S. S. Kashyap, learned Central Government Counsel for the opposite parties.

7. It emerges from the materials on record that this contempt application is completely misconceived. The order dated 21.09.2017 does not survive any more. There is no order passed either by the Tribunal or by this Court, which can be said to have been flouted by the opposite parties.

8. The contempt petition stands dismissed as misconceived.

9. We record our appreciation for the able assistance extended by Mr. Nayak, learned *Amicus Curiae*.

(Chakradhari Sharan Singh)
Chief Justice

(M. S. Raman)
Judge

M. Panda

